

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

FIFTY-EIGHTH LEGISLATIVE DAY
TUESDAY, MARCH 8, 2005

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Langhorst, absent and formally excused by the Chair; and Senators Andreason, Burkett, Cameron, Keough, Marley, and Stennett, absent and excused. [District 21 seat temporarily vacant.]

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Alison Coats, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 7, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

Reading of Communications

March 7, 2005

The Honorable Robert L. Geddes
President Pro Tempore of the Senate
Idaho Legislature

Dear Mr. President Pro Tempore:

As of March 7, 2005, at 6 p.m., I hereby submit my resignation as Senator of District 21.

Sincerely,
/s/ Jack Noble
Senator, District 21

Jack Noble
Idaho Legislature

Dear Senator Noble:

As of March 7, 2005, at 6 p.m., I hereby accept your resignation as State Senator representing District 21.

Sincerely,
/s/ Robert L. Geddes
President Pro Tempore

Acknowledged:
/s/ Jack Noble

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senators Andreason, Burkett, Cameron, Keough, and Stennett were recorded present at this order of business.

SCR 116

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE, WITH EXCEPTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2005 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved, with the exception of the following enumerated temporary rules:

IDAPA 07.07.01, rules of the Division of Building Safety relating to rules governing installation of heating, ventilation, and air conditioning systems, Section 005 pertaining to adoption and incorporation by reference of the International Fuel Gas Code, 2003 Edition, Subsections 01.d and 01.i only, and Section 006

March 7, 2005

pertaining to adoption and incorporation by reference of Parts V (mechanical) and Parts VI (fuel gas) of the International Residential Code for One and Two-Family Dwellings, 2003 Edition, Subsections 01.e and 01.i only, rules of the Division of Building Safety, adopted as temporary rules under Docket Number 07-0701-0501.

IDAPA 16.03.09, rules of the Department of Health and Welfare governing the medical assistance program, adopted as temporary rules under Docket Number 16-0309-0501, the entire rulemaking docket.

IDAPA 25.01.01, rules of the Outfitters and Guides Licensing Board relating to skiing, non-hazardous and hazardous terrain outfitter, designated agent, ski guide and ski guide trainee, adopted as temporary rules under Docket Number 25-0101-0401, the entire rulemaking docket.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the Second Regular Session of the Fifty-eighth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2005 legislative session shall expire by operation of statute upon adjournment of the First Regular Session of the Fifty-eighth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

SCR 117

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULES THAT ARE NOT APPROVED.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain sections of Rules of the Division of Building Safety Governing Mobile Home Rehabilitation, certain Rules of the Department of Health and Welfare relating to CHIP B and Children's Access Card Rules pertaining to Delinquent Premium Payments, and certain Rules of the Outfitters and Guides Licensing Board are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2005 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 07.03.13, Rules of the Division of Building Safety Governing Mobile Home Rehabilitation, adopted as pending fee rules under Docket Number 07-0313-0401, the entire rulemaking docket.

IDAPA 16.03.18, Rules of the Department of Health and Welfare relating to CHIP B and Children's Access Card Rules, Section 507, Subsection 04 only, pertaining to Delinquent Premiums at Renewal Date, adopted as pending fee rules under Docket Number 16-0318-0402.

IDAPA 25.01.01, Rules of the Outfitters and Guides Licensing Board, adopted as pending fee rules under Docket Number 25-0101-0402, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 07.03.13, Rules of the Division of Building Safety Governing Mobile Home Rehabilitation, adopted as a pending fee rule under Docket Number 07-0313-0401, the entire rulemaking docket, IDAPA 16.03.18, Rules of the Department of Health and Welfare relating to CHIP B and Children's Access Card Rules, Section 507, Subsection 04 only, pertaining to Delinquent Premiums at Renewal Date, adopted as pending fee rules under Docket Number 16-0318-0402, and IDAPA 25.01.01, Rules of the Outfitters and Guides Licensing Board, adopted as pending fee rules under Docket Number 25-0101-0402, the entire rulemaking docket be, and the same are hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

SJM 109

BY JUDICIARY AND RULES COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, bipartisan legislation sponsored by U.S. Senators Larry Craig and Ron Wyden has financially assisted counties with large tracts of federal timber land within the county boundaries; and

WHEREAS, the Craig-Wyden bill set annual payments to counties with large tracts of federal timber land, providing crucial funding for schools and roads and providing millions of dollars for a variety of natural resource conservation projects from weed control to bridge replacements, from thinning forests to trail building; and

WHEREAS, the Craig-Wyden bill's reauthorization is necessary to help rural counties with timber lands plan and maintain their transportation infrastructure; and

WHEREAS, certain counties of Idaho are hamstrung in their ability to collect property taxes by a supermajority of federal land ownership within its boundaries; and

WHEREAS, if the Craig-Wyden bill is not reauthorized, it will have little effect on the federal budget but could devastate timber counties and towns in the Northwest and Idaho; and

WHEREAS, more than fifty percent of the Idaho Panhandle is owned by the federal government and counties cannot collect property tax on federal lands to support schools and to build and maintain roads; and

WHEREAS, it is crucial in tight economic times that the U.S. government meet its obligation to the counties; and

WHEREAS, to some counties the reauthorization of the Craig-Wyden bill could mean the difference between twenty-four miles of two-inch overlays and simply filling potholes, or the difference between fifty miles of chip-sealed roads and plowing snow.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support reauthorization of the "Secure Rural Schools and Community Self-Determination Act" or the Craig-Wyden bill by the Congress of the United States and we request the President of the United States to support this effort.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, George W. Bush, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

SCR 116, SCR 117, and SJM 109 were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Marley was recorded present at this order of business.

March 8, 2005

The JUDICIARY AND RULES Committee reports that **S 1179, S 1180, S 1181, and SJM 108** have been correctly printed.

DARRINGTON, Chairman

S 1179 and **S 1180** were referred to the Transportation Committee.

S 1181 was referred to the Finance Committee.

SJM 108 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 7, 2005

The JUDICIARY AND RULES Committee reports that **S 1162** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1162**, and ordered it transmitted to the House for the signature of the Speaker.

March 7, 2005

The STATE AFFAIRS Committee reports out **S 1150** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **S 1150** was referred to the Fourteenth Order of Business, General Calendar.

March 7, 2005

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

James Michael "Dyke" Nally as Superintendent of the Idaho State Liquor Dispensary, term to expire January 4, 2008.

BURTENSHAW, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 7, 2005

The JUDICIARY AND RULES Committee reports out **S 1164** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1164** was referred to the Fourteenth Order of Business, General Calendar.

March 7, 2005

The JUDICIARY AND RULES Committee reports out **S 1166** and **S 1165** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1166 and **S 1165** were filed for second reading.

March 7, 2005

The HEALTH AND WELFARE Committee reports out **H 190** with the recommendation that it do pass.

COMPTON, Chairman

H 190 was filed for second reading.

March 7, 2005

The FINANCE Committee reports out **H 278** with the recommendation that it do pass.

CAMERON, Chairman

H 278 was filed for second reading.

March 8, 2005

The FINANCE Committee reports out **S 1181** with the recommendation that it do pass.

CAMERON, Chairman

S 1181 was filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 7, 2005

Mr. President:

I transmit herewith **H 88, H 263, H 157, H 213, H 219, H 220, H 221, H 165, H 193, H 182, H 186, H 226, H 227, H 249, H 254, H 272, and H 245** which have passed the House.

JUKER, Chief Clerk

H 88, H 263, H 157, H 213, H 219, H 220, H 221, H 165, H 193, H 182, H 186, H 226, H 227, H 249, H 254, H 272, and H 245 were filed for first reading.

March 7, 2005

Mr. President:

I transmit herewith Enrolled **HCR 13, HCR 14, H 106, H 48, H 42, and H 43** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 13, HCR 14, H 106, H 48, H 42, and H 43** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Ethics Committee report relative to the Findings and Conclusions of the investigation regarding Senator Jack Noble was before the Senate for final consideration.

On request by Senator Davis, granted by unanimous consent, the final letter and report of the Committee was ordered spread upon the pages of the Senate Journal of March 8, 2005.

Senator Davis explained that with the resignation of Senator Jack Noble as of 6 p.m. March 7, 2005, the recommendations of the Committee's report are moot and no further consideration of the report was necessary. No formal action was taken by the Senate.

March 7, 2005

Senator Robert L. Geddes
President Pro Tempore
Idaho State Senate

Dear Mr. President Pro Tempore:

Pursuant to Senate Rule 53, the Ethics Committee you appointed at the request of Senator Jack Noble met on February 22 and 24 and March 2 and 4, 2005, and has issued its findings, conclusions, and recommendations to the Idaho Senate. A report of those findings, conclusions, and recommendations is enclosed.

Sincerely
/s/ Senator Brent Hill
Chairman, Ethics Committee

FINAL REPORT
Senate Committee on Ethics
March 4, 2005

The Senate Committee on Ethics was appointed under Senate Rule 53 by President Pro Tempore Robert L. Geddes on February 17, 2005, in response to a written complaint from Senator Jack Noble. The committee held four public meetings, on February 22 and 24, and March 2 and 4, 2005. The following findings, conclusions and recommendations constitute the report of the Senate Committee on Ethics.

Findings:

1. Senator Jack Noble and his wife Tracey own a retail grocery store, Jacksmart, in Melba, Idaho across the street from an elementary school. Under the current law and the traditionally employed method of measurement, Jacksmart is too close to a school to be eligible to sell liquor as a contract liquor store. The Nobles have been trying to sell Jacksmart for sixteen months.
2. At June 30, 2004, the Idaho State Liquor Dispensary (ISLD) had 106 contract stores. One contract store had been operating in Melba for the past several years. ISLD canceled that contract in September of 2004. Senator Noble testified that "Melba QuickStop . . . lost its liquor license, and customers . . . came in and inquired about whether we would carry liquor." For the years ended June 30, 2004 and 2003, QuickStop had sales of \$28,336 and \$27,147, respectively. For contract stores with sales between \$25,000-\$30,000 per

year, such as QuickStop, ISLD pays store owners a flat fee of \$300 per month or \$3,600 annually. ISLD Superintendent Dyke Nally testified that any store in Melba, “would do relatively close to the amount that store (QuickStop) did.” Mr. Nally also testified that “A liquor contract . . . is a benefit to that business because it draws people to . . . purchase other things.”

3. Tracey Noble phoned ISLD and spoke to ISLD employee Ken Winkler to inquire about operating a contract liquor store at Jacksmart. When Tracey Noble was told that her store had to be 300 feet from the school, property to property, “She said she would have her husband, Senator Noble, run a bill to change our law to be door to door.”
4. On January 24, 2005, Senator Noble first met with Legislative Services Office staff to request a draft of legislation that eventually became SB 1085. Senator Noble received a first draft of the legislation on January, 25, 2005, and then requested preparation of an RS on January 27, 2005.
5. On January 28, 2005, Senator Noble received RS 14773, which became SB 1085, a bill to change the method of measurement of the required distance between a contract liquor store and a school from property line to property line to door to door. If passed, SB 1085 would have had the effect of removing Jacksmart from disqualification from eligibility for future contract liquor sale consideration because of its distance from a school, among the requirements for eligibility of a contract liquor store.
6. SB 1085 would have created a method of measurement of the distance between a grocery store selling liquor and a school that is not consistent with the statutes used for measuring distances for liquor-by-the-drink, beer or wine.
7. Senator Noble has acknowledged that removal of the disqualification for application for a contract to sell liquor could be of potential personal monetary benefit to him: “As a grocer or retailer, SB 1085 could have theoretically affected the future value of the grocery store I own with my wife years from now after I leave public office or in the hands of a third party, if it is sold sooner.”
8. On February 11, 2005, Senator Noble appeared before the Senate State Affairs Committee to testify on behalf of SB 1085. In response to questions from committee members as to which individuals or groups had brought the bill to him or were “driving” the bill, Senator Noble responded, variously, that “This was a piece of legislation that was brought forth by the industry . . . they asked to make this portion of the statute more clear also,” and “I was approached by the liquor industry itself as far as they desire to have this defined . . .” and “when I say they, I guess I am referring to the State Liquor . . . Dispensary,” and “It’s just a subject that came up not only by them but by the retailers.” At no time during the hearing did Senator Noble disclose any personal interest he or his business might have in the legislation, or any potential monetary benefit that might accrue to himself or his business.
9. On February 17, 2005, Senator Noble presented a written request to President Pro Tempore Robert L. Geddes requesting that he “convene a Senate Ethics Commission concerning my involvement in Senate Bill 1085 and the

perception that I (illegible) received monetary benefit from the passage of the bill. I wish to clear my name.” That same day, President Pro Tempore Geddes appointed a Senate Committee on Ethics pursuant to Senate Rule 53.

10. On February 22, 2005, Senator Noble testified under oath before the Senate Committee on Ethics that an existing ISLD rule would prohibit a state legislator from receiving a special distributorship that would allow contract sales of liquor, meaning that he “did not even have an opportunity to have conflict.” When asked when he first became aware of the ISLD rule, he responded, “My wife, several months ago . . . did call the State Liquor Dispensary . . . during that inquiry . . . there’s many rules and regulations that were presented to her . . . my wife had made a decision that it wasn’t worth it to her to go on . . . of course this one’s a real roadblock but many of the other regulations made it apparent that she would not go through with that.” When again asked when he, Senator Noble, had learned of the existence of the rule, Senator Noble responded that “It was later, researching the rule statutes,” and “During the preparation” and “before” the committee (Senate State Affairs) meeting.
11. There is an ISLD administrative rule, IDAPA 15.10.01.011.07.d, which disqualifies a state legislator and a “close relative” or business partner from receiving a special distributorship that would allow contract sales of liquor.
12. On February 24, 2005, testifying under oath before the Senate Committee on Ethics, Senator Noble voluntarily acknowledged that he was not aware of IDAPA 15.10.01.011.07.d at the time of the State Affairs Committee meeting when he presented SB 1085, contrary to what he had stated in sworn testimony before the Committee on February 22, 2005.
13. On February 24, 2005, in sworn testimony before the Senate Committee on Ethics, Senator Noble acknowledged that he had not learned of the existence of IDAPA 15.10.01.011.07.d until the weekend of February 19-20, 2005, contrary to what he had stated in sworn testimony before the Committee on February 22, 2005. In response to questions from Chairman Hill as to whether the information he had provided to the Senate Committee on Ethics on February 22, 2005, under oath was false information, and further prompting, Senator Noble responded that “I could have misled the committee.”
14. Senator Noble has not provided any information to the Committee on Ethics to support his testimony before the Senate State Affairs Committee that “the industry” or “retailers” or any independent party requested preparation of legislation of the nature of SB 1085 prior to its being drafted. Any statements or suggestions that the Idaho State Liquor Dispensary had involvement in the legislation prior to its introduction were contradicted by sworn testimony.

Conclusions:

1. The enactment of SB 1085 would have provided a potential personal monetary benefit to Senator Noble, even though he and his wife were not personally eligible to be a contract distributor of liquor under existing Idaho State Liquor Dispensary rules, and he should have disclosed that potential personal monetary benefit to the Senate State Affairs Committee.

2. Senator Noble gave false or deceptive information in response to Senate State Affairs Committee member questions and misled the Senate State Affairs Committee as to the origin of SB 1085.
3. While testifying under oath, Senator Noble willfully and contrary to his oath provided false information to the Senate Committee on Ethics.

Recommendations:

The Senate Committee on Ethics recommends that Senator Jack Noble be censured by the Senate and be stripped of any leadership responsibilities.

/s/ Senator Brent Hill, Chairman /s/ Senator Bert Marley

/s/ Senator Hal Bunderson /s/ Senator Edgar Malepeai

/s/ Senator John Goedde /s/ Senator Kate Kelly

On request by President Pro Tempore Geddes, granted by unanimous consent, the Senate Committee on Ethics was discharged.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Esperanza Gerhardt was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of Esperanza Gerhardt as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Craig Hill was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Keough, seconded by Senator Stennett, the Gubernatorial appointment of Craig Hill as a member of the Lake Pend Oreille Basin Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1182

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1183

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO TRANSPORTATION PROJECT FINANCING; AMENDING SECTION 40-105, IDAHO CODE, TO DEFINE "DRAW"; AMENDING CHAPTER 1, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-108, IDAHO CODE, TO DEFINE "GARVEE"; AMENDING CHAPTER 3, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-315, IDAHO CODE, TO SET FORTH POWERS AND DUTIES OF THE IDAHO TRANSPORTATION BOARD RELATING TO FEDERALLY-FUNDED HIGHWAY PROJECT FINANCING AND TO PROVIDE SPECIFIED ROUTES AND PROJECTS FOR SELECTION BY THE BOARD; AMENDING SECTION 40-702, IDAHO CODE, TO PROVIDE THAT THE STATE HIGHWAY ACCOUNT SHALL INCLUDE CERTAIN FEDERAL SURFACE TRANSPORTATION FUNDS; AMENDING SECTION 40-707, IDAHO CODE, TO PROVIDE FOR APPROPRIATION OF FEDERAL MONEYS IN THE STATE HIGHWAY ACCOUNT FOR PAYMENT OF PRINCIPAL, INTEREST AND OTHER AMOUNTS REQUIRED FOR TRANSPORTATION BONDS OR NOTES, TO AUTHORIZE THE BOARD TO USE NONFEDERAL FUNDS TO PAY THE MATCH FOR FEDERAL FUNDS USED TO PAY BONDS OR NOTES AND TO AUTHORIZE TRANSFER OF SUCH MATCH TO THE GARVEE DEBT SERVICE FUND; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-718, IDAHO CODE, TO ESTABLISH THE GARVEE CAPITAL PROJECT FUND AND THE GARVEE DEBT SERVICE FUND; AMENDING SECTION 67-6201, IDAHO CODE, TO EXPAND THE PURPOSE OF THE IDAHO HOUSING AND FINANCE ASSOCIATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-6205, IDAHO CODE, TO DEFINE THE TERMS "MUNICIPALITY," "STATE," "STATE BODY," "TRANSPORTATION BOARD," "TRANSPORTATION DEPARTMENT" AND "TRANSPORTATION PROJECT"; AMENDING SECTION 67-6206, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS OF THE IDAHO HOUSING AND FINANCE ASSOCIATION; AMENDING SECTION 67-6210, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS FOR RESOLUTIONS AUTHORIZING NOTES OR BONDS OR ANY ISSUE THEREOF AND TO PROVIDE THAT THE ASSOCIATION SHALL NOT ISSUE BONDS OR NOTES TO FINANCE TRANSPORTATION PROJECTS UNLESS CERTAIN CONDITIONS ARE MET; AND PROVIDING SEVERABILITY.

S 1184

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1185
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1186
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO DOMESTIC VIOLENCE; AMENDING CHAPTER 52, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5214, IDAHO CODE, TO PROVIDE FOR THE AUTHORITY AND DUTY OF THE IDAHO COUNCIL ON DOMESTIC VIOLENCE AND VICTIM ASSISTANCE RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES AND TO PROVIDE THAT ANY RULEMAKING RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES SHALL NOT CONFLICT WITH CERTAIN FEDERAL REQUIREMENTS RELATING TO FUNDING; AMENDING CHAPTER 52, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5214A, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 52, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5214B, IDAHO CODE, TO PROVIDE FOR DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES; AMENDING CHAPTER 52, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5214C, IDAHO CODE, TO PROVIDE DUTIES, AUTHORITY AND PROHIBITIONS RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES; AMENDING CHAPTER 52, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5214D, IDAHO CODE, TO PROVIDE THAT CERTAIN PROCEEDINGS, RECORDS, OPINIONS AND COMMUNICATIONS OF DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES ARE CONFIDENTIAL, TO PROVIDE THAT MEMBERS OF THE COMMITTEES SHALL NOT BE SUBJECT TO CERTAIN QUESTIONING IN CIVIL OR CRIMINAL PROCEEDINGS AND TO PROVIDE THAT DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES SHALL HAVE ACCESS TO CERTAIN INFORMATION; AMENDING CHAPTER 52, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5214E, IDAHO CODE, TO PROVIDE FOR SPECIFIED IMMUNITY FROM LIABILITY; AMENDING CHAPTER 52, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5214F, IDAHO CODE, TO PROVIDE THAT ANY PROVISION OF SPECIFIED LAW SHALL BE DEEMED NULL AND VOID IF IN CONFLICT WITH FEDERAL REQUIREMENTS RELATING TO FUNDING; AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE FOR THE CONFIDENTIALITY OF CERTAIN DOMESTIC VIOLENCE FATALITY REVIEW RECORDS; AMENDING SECTION 39-5204, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-5209, IDAHO CODE, TO CLARIFY RULEMAKING AUTHORITY; AND AMENDING SECTION 67-2342, IDAHO CODE, TO PROVIDE THAT CERTAIN MEETINGS RELATING TO DOMESTIC VIOLENCE FATALITY REVIEWS SHALL NOT BE OPEN TO THE PUBLIC.

S 1182, S 1183, S 1184, S 1185, and S 1186 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 88, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 263, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 157, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 213, H 219, H 220, and H 221, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 165, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 193, H 182, and H 186, by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

H 226, H 227, and H 249, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 254, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 272, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 245, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1175, S 1176, S 1177, and S 1178, by Finance Committee, were read the second time at length and filed for third reading.

H 50, as amended in the Senate, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 122, as amended in the Senate, by Business Committee, was read the second time at length and filed for third reading.

S 1154, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1086, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1136, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1130, as amended, by Transportation Committee, was read the second time at length and filed for third reading.

S 1044, as amended, by Schroeder, was read the second time at length and filed for third reading.

S 1161, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1169, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Cameron, Little, and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Langhorst. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1169** passed, title was approved, and the bill ordered transmitted to the House.

H 113 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Davis, Stegner. Total - 2.

Absent and excused--Langhorst. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 113** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 102** retained its place on the Third Reading Calendar for one legislative day.

H 146 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Langhorst. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 146** passed, title was approved, and the bill ordered returned to the House.

H 147 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Broadsword, Jorgenson, Keough, Schroeder. Total - 4.

Absent and excused--Langhorst. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 147** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate Finance Committee bills were placed at the head of the Third Reading Calendar, followed by remaining Senate bills, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:30 a.m. until the hour of 8 a.m., Wednesday, March 9, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

